



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,520	11/26/2001	Scott Lochner	07326-002003	1263
20985	7590	06/05/2006	EXAMINER	
FISH & RICHARDSON, PC			DINH, DUC Q	
P.O. BOX 1022			ART UNIT	
MINNEAPOLIS, MN 55440-1022			PAPER NUMBER	
			2629	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/994,520	Applicant(s) LOCHNER ET AL.	
	Examiner DUC Q. DINH	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) 24-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is response to the Amendment filed on March 15, 2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2, 3, 5, 8 and 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson et al (U.S Patent No 4,485,400), hereinafter Lemelson.

In reference to claim 2, Lemelson discloses a system in Fig. 6-7, comprising:

a first housing (first portable video phone in Fig. 6) having a data entry part (keyboard 76) allowing entry of data, a display part (display 42) allowing display of information, and a first wireless transceiver part (105, 106 and 107), which communicates information; and

a second housing separate from said first housing (second portable video phone 86) having second wireless transceiver part (15-17, Fig. 6) adapted to communicating part to exchange information therewith (each unit of the video phone containing in a single housing; see abstract), said second housing include at least a video generation circuit (camera 22, A/D circuit 26, memory 24; sync generator 108 and decoder 109) which produces a video output including at least one synchronization signal (col. 10, lines 55-63) and sending said video output to said first housing to drive the display part to display information based on video output with said at least one synchronization signal (col.11, lines 50-63).

Art Unit: 2629

In reference to claim 3, Lemelson discloses the synchronization signal includes at least one horizontal synchronization signal and one vertical synchronization signal (col. 10, lines 55-62).

In reference to claim 5, Lemelson discloses video output signal include analog video signal (the D/A converter 39 provide output analog video signal in Fig. 7B).

In reference to claim 7, Lemelson discloses at least one synchronization signal is contained within a same signal as said video output signal (col. 4, lines 19-24).

In reference to claim 8, Lemelson discloses the video output signal includes an RGB signal (col. 3, lines 10-18).

In reference to claim 12, Lemelson disclose that video phone system comprising a third housing (third video phone which communicate with the first video phone), also including a data entry part allowing entry data, a display part allowing display information and another transceiver part communicating information, wherein the third housing also communicates information to the second housing (second video phone) and receives data from the second housing (the second video phone system; see abstract).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2629

5. Claims 4, 6, 11, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (U.S Patent No. 4,485, 400) in view of Tymes (U.S Patent No. 5,157,687).

In reference to claims 4, Lemelson does not disclose the horizontal and vertical synchronization signals are respectively produced on different frequency channels.

Tymes discloses a packet data communication network between terminals using different frequency channels to carry the data signals in Fig. 2 (col. 13, lines 59-65 and col. 14, line 66 – col. 15, lines 5).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the data communication network using different frequency channels in the in the device of Lemelson in view of the teaching of Tymes so that interference on any particular frequency may be avoid by merely changing to a different frequency, but the transceivers will tends to stay on a single frequency for prolonged periods of time when there is no need to change (col. 15, lines 2-5 of Tymes).

In reference to claims 6 and 18, Lemelson does not discloses the first and second wireless transceivers part communicate via spread spectrum modulation.

Tymes discloses the data communication network in Fig. 1 communicate via spread spectrum modulation as claimed.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the communication links using the spread spectrum modulation technique in the system of Lemelson in view of the teaching of Tymes because it would provide a reliable, low cost communication system (col. 3, lines 50-59).

In reference to claim 11, Tymes discloses the information is transmitted in burst to update the display part during said burst (data packet 17 and 18 of Fig. 2: col.5, lines 47-62).

In reference to claim 19, refer to the rejection as applied to claim 12.

In reference to claim 20, Lemelson disclose the keyboard 76 in Fig. 6.

6. Claims 10, 13-14, 17, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (U.S Patent No 4,885,400) in view of Taaffe et al (U.S Patent No 5, 064,027), hereinafter Taaffe.

In reference to claim 10, Lemelson does not disclose the video generation element produces information indicative of an image to be display on the display part, but send only new picture information representing change in contents of the image.

Taaffe discloses a method an apparatus for processing and displaying images which send only new picture information (image) representing change in the contents of the image (col. 10, lines 37-43, col. 11, lines 28-41).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the method of sending only image that need to be changed on only one partition of the display in the system of Lemelson in view of the teaching of Taaffe because it would minimize data transfer time between the first processing and second processing unit (col. 2, lines 27-32).

In reference to claim 13, Lemelson discloses a system comprise a data entry part (keyboard 76); a display part (42) allowing transmission of data enter by data entry part to a remote processing terminal (second video phone), and receive video information from the remote processing terminal (see rejection as applied to claim 2 and col. 14, lines 68). In addition Taaffe

Art Unit: 2629

discloses the method of only new image information representing changes in image since previous transmission as rejected in claim 10 above.

In reference to claim 14, refer to the rejection as applied to claim 12.

In reference to claims 15-16, refer to the rejection as applied to claim 1 (video information includes video synchronization information, i.e.: vertical synchronization and horizontal synchronization).

In reference to claim 17, refer to the rejection as applied to claim 4.

In reference to claim 19, Lemelson discloses the wireless transceiver produce a signal for said second wireless transceiver indicating of information enter on the data entry part (col. 14, line 55 – col. 15 line 17).

In reference to claim 21, Taaffe discloses the video information include digital data in a serialized form (the serial connection of optical 21, image controller 37 and working buffer 37 through image processing bus 39; col. 8, lines 58-63).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson in view of Pfeiffer et al (U.S Patent No 5,129,060).

In reference to claims 9, Lemelson does not discloses the video generation element produces a digital signal with parallel bit and converts said signal into serial signal which is transmitted by the second wireless transceiver part to the first housing.

Pfeiffer discloses a high-speed image processing system having video processor 106 converting a digital signal with parallel bits and converts the signal into serial signal and transmitted data serial signal to the display device.

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the processor 106 to convert the parallel bit to serial signal in the device of Lemelson as taught by Pfeiffer because it would provide high speed serial signal to enhance high speed image processing capabilities (col. 2, lines 35-37).

Response to Arguments

8. Applicant's arguments filed 03/15/06 have been fully considered. With respect to 112 First and Second Paragraph are withdrawn due to the Amended claim and the Applicant Argument (see page 13-16 of the Remark). Argument's argument with respect to the Art Rejection have been fully considered but they are not persuasive. With respect to claim 2, Applicant argues that Lemelson never teaches sending a video output with a synchronization signal (see page 17 of the Remark). The examiner disagrees, as indicated in the discussion related to claim 2 above, Lemelson discloses a video generation element which produce a video output include at least one synchronization signal (vertical/horizontal synchronization signal; col. 10, lines 50-65) from one *video* telephone and sending the video signal to another *video* telephone. With respect to the argument "the information sent is a picture", refer to claim 10 of the application to see how a video signal different than a picture (i.e. *picture* information is sent not video information). With respect to Fig. 3, Lemelson discloses the video signal include at

Art Unit: 2629

least one horizontal and one vertically signal (col. 10, lines 50-65); furthermore, see the Syn separator 67 in Fig. 1, col. 15, lines 25-46). With respect to claim 8, Lemelson discloses the video output signal includes an RGB signal (col. 3, lines 10-18) composite video signal (col. 14, lines 19-24) which is sent and displayed in other video telephone (see Fig. 7A and 7B). With respect to claims 10 and 13, refer to the response with respect to claim 2; furthermore, Taaffe discloses a method an apparatus for processing and displaying images which send only new picture information (image) representing change in the contents of the image (*Taaffe discloses video signal with sync signal in col. 6, lines 32-52; col. 10, lines 37-43, col. 11, lines 28-41*). It would have been to provide the method of sending only information that need to be changed on only one partition of the display in the system of Lemelson in view of the teaching of Taaffe because it would minimize data transfer time between the first processing and second processing unit (col. 2, lines 27-32). With respect to claim 14 and 17 refer to Lemelson for the combination rejection. The rejection is maintained.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2629

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q. DINH whose telephone number is (571) 272-7686. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD HJERPE can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DUC Q DINH
Examiner
Art Unit 2629

DQD
May 29, 2006


RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600